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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. S-353

SHANNON MARIE HAASL
2603 Via Bocas
Carlsbad, CA 92008

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about May 24, 2005, the Respiratory Care Board of California, Department of Consumer Affairs received an application for a Respiratory Care Practitioner License from SHANNON MARIE HAASL (Respondent). On or about May 20, 2005, Shannon Marie Haasl certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on August 9, 2005. On or about August 15, 2005, the Board received Respondent's request for a hearing to contest the denial of her application for licensure.

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JURISDICTION

3. This Statement of Issues is brought before the Respiratory Care Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3710 of the Code states, in pertinent part: "The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act]."

5. Section 3718 of the Code states: "The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter."

6. Section 3732 of the Code states:

"(a) The board shall investigate an applicant for a license, before a license is issued, in order to determine whether or not the applicant has in fact the qualifications required by this chapter.

"(b) The board may deny an application, or may order the issuance of a license with terms and conditions, for any of the causes specified in this chapter for suspension or revocation of a license, including, but not limited to, those causes specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761."

7. Section 3750 of the Code states, in pertinent part:

"The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

" . . .

"(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

" . . .

"(g) Conviction of a violation of any of the provisions of this chapter or of any provision of Division 2 (commencing with Section 500), or violating, or

1 attempting to violate, directly or indirectly, or assisting in or abetting the violation of,
2 or conspiring to violate any provision or term of this chapter or of any provision of
3 Division 2 (commencing with Section 500).

4 “ . . .

5 “(j) The commission of any fraudulent, dishonest, or corrupt act which is
6 substantially related to the qualifications, functions, or duties of a respiratory care
7 practitioner.

8 “ . . . ”

9 8. California Code of Regulations, title 16, section 1399.370, states, in
10 pertinent part:

11 “For the purposes of denial, suspension, or revocation of a license, a crime or
12 act shall be considered to be substantially related to the qualifications, functions or
13 duties of a respiratory care practitioner, if it evidences present or potential unfitness
14 of a licensee to perform the functions authorized by his or her license or in a manner
15 inconsistent with the public health, safety, or welfare. Such crimes or acts shall
16 include but not be limited to those involving the following:

17 “(a) Violating or attempting to violate, directly or indirectly, or assisting or
18 abetting the violation of or conspiring to violate any provision or term of the Act.

19 “(b) Conviction of a crime involving fiscal dishonesty theft, or larceny.

20 “ . . . ”

21 COST RECOVERY

22 9. Section 3753.5, subdivision (a) of the Code states:

23 "In any order issued in resolution of a disciplinary proceeding before the board,
24 the board or the administrative law judge may direct any practitioner or applicant found to have
25 committed a violation or violations of law to pay to the board a sum not to exceed the costs of
26 the investigation and prosecution of the case. A certified copy of the actual costs, or a good faith
27 estimate of the costs where actual costs are not available, signed by the official custodian of the
28 record or his or her designated representative shall be prima facie evidence of the actual costs of

1 the investigation and prosecution of the case."

2 10. Section 3753.7 of the Code states:

3 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall
4 include attorney general or other prosecuting attorney fees, expert witness fees, and other
5 administrative, filing, and service fees."

6 11. Section 3753.1 of the Code states, in pertinent part:

7 "(a) An administrative disciplinary decision imposing terms of probation may
8 include, among other things, a requirement that the licensee-probationer pay the monetary costs
9 associated with monitoring the probation."

10 FIRST CAUSE FOR DENIAL OF APPLICATION

11 (Conviction of a Crime)

12 12. Respondent's application is subject to denial under Code sections
13 3750, 3750(d), and 3750 (g), in that she was convicted of a crime substantially related to the
14 qualifications, functions, or duties of a respiratory care practitioner. The circumstances are
15 as follows:

16 a. On or about January 30, 2004, Respondent and
17 another individual found a lost wallet in the library of UCSD Medical
18 Center. Respondent and her companion took two credit cards from the
19 wallet and went shopping at the Mission Valley Center Mall where they
20 purchased four purses with one of the credit cards. Respondent and her
21 companion then had lunch at the O'Nami Restaurant. Respondent paid for
22 the lunch using a credit card from the lost wallet and fraudulently signed the
23 name of the owner of the credit card. Respondent used the credit card
24 without the owner's knowledge or consent. Respondent was subsequently
25 arrested.

26 b. On or about February 6, 2004, a Felony Complaint
27 was filed in Superior Court of California, County of San Diego, Central
28 Division, Case No. CD180379, entitled *The People of the State of California*

1 *v. Michelle Ann Bustria, and Shannon Marie Haasl*, charging Respondent
2 with Count 1 - violating Penal Code section 459 [burglary]; Count 2 -
3 violating Penal Code section 484e(a) [sells/transfers access card]; Count 5 -
4 violating Penal Code section 484f(b) [fraudulent use of another's access
5 card]; and Count 6 - violating Penal Code section 484g(a) [petty theft - using
6 access card/account information].

7 c. On or about March 23, 2004, Respondent pleaded
8 guilty and was convicted of violating Penal Code section 459 [burglary].
9 She was sentenced to three years formal probation with terms and
10 conditions.

11 SECOND CAUSE FOR DENIAL OF APPLICATION

12 (Commission of any fraudulent, dishonest, or corrupt act)

13 13. Respondent's application is subject to denial under Code sections
14 3750(j) and 3750(g), in that she committed a fraudulent and dishonest act when she
15 fraudulently used a credit card, as more particularly described in paragraph 12, above.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters
18 herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

19 1. Denying the application of SHANNON MARIE HAASL for a
20 Respiratory Care Practitioner License;

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28 2. Directing SHANNON MARIE HAASL to pay the Respiratory Care

Board of California the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;

3. Taking such other and further action as deemed necessary and proper.

DATED: December 9, 2005

Original signed by Liane Zimmerman for:
STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant